

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DISTRICT

UNITED STATES OF AMERICA)	
)	No. 07 CR 856
v.)	
)	Hon. Elaine E. Bucklo
BRIAN BERG)	

GOVERNMENT’S AGREED MOTION FOR PROTECTIVE ORDER

The UNITED STATES OF AMERICA, by its attorney, PATRICK J. FITZGERALD, United States Attorney, respectfully moves the Court to enter an order of protection concerning discovery materials that may be disclosed to the defense in the course of the this case. In support thereof, the government states the following:

1. As part of its discovery obligations under Rule 16 of the Federal Rules of Criminal Procedure, *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and *United States v. Bagley*, 473 U.S. 667 (1995), the government anticipates disclosing investigative reports, grand jury information, and information identifying child victims to defense counsel. Such material is being provided to the defense solely for the purpose of this litigation and its use or dissemination for any purpose other than the instant litigation would be inappropriate. *See* Fed. R. Crim. P. 6(e).

2. This case involves child victims whose confidentiality is protected by statute. Title 18, United States Code, Section 3509(d)(1), imposes obligations on, among others, the defendant and his attorney to “keep all documents that disclose the name or any other information concerning a child in a secure place to which no person who does not have reason to know their contents has access” and to disclose such documents “only to persons who, by reason of their participation in the proceeding, have reason to know such information.” 18 U.S.C. §§ 3509(d)(1)(A),

3509(d)(1)(B)(iii) (applying restrictions to defendant and defense counsel). The Court is also empowered to enter an order “protecting the child from public disclosure of the name of or any other information concerning the child in the course of the proceedings.” 18 U.S.C. § 3509(d)(3).

3. The government has prepared a proposed Order for the Court’s consideration. Counsel for the government has spoken with defendant’s counsel who stated that he does not object to this motion or the proposed protective order.

WHEREFORE, the government respectfully requests that this Court enter an order of protection regarding any discovery that may be tendered in this case.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

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were served on March 31, 2008, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Steven A. Block

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